

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Caroline Heiligenmann et al.
Application Number: 10/583,502
Filing Date: 02/27/2007
Group Art Unit: 1714
Examiner: Eric Wayne Golightly
Title: DISHWASHER USING OZONE

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 CFR 41.41, Appellants hereby file a Reply Brief in the above-identified application.

STATUS OF CLAIMS

Claims 21-40 are pending in the application. Claims 31-29 currently stand as withdrawn. Claims 1-20 were canceled in the June 20, 2006 Preliminary Amendment. Claims 26 and 27 were canceled in the August 24, 2010 Amendment. Rejected claims 21 and 40 are independent.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- (a) Whether claims 21-24, 27, 28, 30 and 40 are anticipated under 35 U.S.C. § 102(b) as by JP 10-014844.
- (b) Whether claims 21-23, 25, 28 and 30 are unpatentable under 35 U.S.C. § 103(a) over Ono (U.S. Patent No. 5,172,572) in view of JP 2003-144372.
- (c) Whether claims 21-24 and 28-30 are unpatentable under 35 U.S.C. § 103(a) over Ono in view of JP 11-137882.
- (d) Whether claim 26 is unpatentable under 35 U.S.C. § 103(a) over Ono in view of JP 11-137882 in further view of Veeder et al. (U.S. Patent No. 5,863,031).

REPLY ARGUMENT

The Reply Brief at page 12 states that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. The grounds of rejection focus on position that the present claims are drawn to an apparatus, not a process.

Appellants reiterate that JP '844 does not teach the structure of one or more devices for generating a gas having an oxidizing effect that is employed in a wash program. Rather, the structure of JP '844 uses ozone only for a disinfection mode where ozone gas and water are brought into contact with each other in a gas-liquid mixing part 51 and scattered in the chamber through ozone atomizer nozzles 63. As such, the structure of the present claims distinguishes from JP '844.

CONCLUSION

In view of the foregoing discussion, Appellants respectfully request reversal of the Examiner's rejections.

Respectfully submitted,

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